

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on January 23, 2009 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: 1/15/2009

Executive Action: SB 121-Do Pass As Amended, SB 158-Do Pass As Amended, SB 191-Do Pass As Amended, SB 209-Do Pass As Amended, SB 205-Tabled

EXECUTIVE ACTION ON SB 121

00:02:05 **Motion:** Sen. Shockley moved that **SB 121 DO PASS.**

Discussion:

00:02:25 Sen. Jent

00:06:39 Sen. McGee

00:08:49 Sen. Jent

00:10:05 **Motion:** Sen. McGee moved that **SB 121 BE AMENDED.**

EXHIBIT(jus16a01)

00:10:16 Valencia Lane, Legislative Services Division

00:11:57 Sen. Jent

00:14:13 Sen. McGee

00:14:31 Sen. Shockley

00:15:27 Sen. Laslovich

00:16:33 Sen. Jent

00:16:54 Sen. McGee

00:17:27 **Vote:** Motion that **SB 121 BE AMENDED** carried 11-1 by voice vote with Sen. Juneau voting no.

00:17:45 **Motion/Vote:** Sen. Jent moved that **SB 121 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 158

00:19:38 **Motion:** Sen. McGee moved that **SB 158 DO PASS.**

00:20:12 **Motion:** Sen. McGee moved that **SB 158 BE AMENDED.**

EXHIBIT(jus16a02)

Discussion:

00:21:22 Ms. Lane

00:21:29 Sen. McGee

00:21:49 **Vote:** Motion that **SB 158 BE AMENDED** carried unanimously by voice vote.

00:22:02 **Motion:** Sen. McGee moved that **SB 158 BE AMENDED.**

EXHIBIT(jus16a03)

00:22:48 **Vote:** Motion that **SB 158 BE AMENDED** carried 11-1 by voice vote with Sen. Juneau voting no.

00:22:59 **Motion:** Sen. McGee moved that **SB 158 DO PASS AS AMENDED.**

00:23:09 **Vote:** Motion that **SB 158 DO PASS AS AMENDED** carried 9-3 by voice vote with Sen. Esp, Sen. Juneau, and Sen. Laslovich voting no.

EXECUTIVE ACTION ON SB 191

00:24:21 **Motion:** Sen. Jent moved that **SB 191 DO PASS.**

Discussion:

00:24:44 **Motion:** Sen. Jent moved that **SB 191 BE AMENDED.**
EXHIBIT(jus16a04)

00:25:32 **Vote:** Motion that **SB 191 BE AMENDED** carried unanimously by voice vote.

00:25:41 **Motion:** Sen. Jent moved that **SB 191 DO PASS AS AMENDED.**

Discussion:

00:25:56 Sen. McGee
00:26:45 Sen. Jent
00:28:01 Sen. McGee
00:28:35 Sen. Juneau
00:28:59 Sen. Jent
00:29:45 Sen. Shockley
00:31:35 Sen. Moss
00:32:45 Sen. Shockley

00:33:07 **Motion:** Sen. Perry moved that **SB 191 BE AMENDED WITH A CONCEPTUAL AMENDMENT FOR PAGE 1, LINE 17, ADD: the losing parties in the civil case will pay a \$10 surcharge. STRIKE the language where the defendant must pay the fee.**

Discussion:

00:34:21 Sen. Shockley
00:35:08 Ms. Lane
00:35:20 Sen. McGee
00:36:18 Sen. Shockley
00:36:33 Sen. Laslovich
00:37:32 Sen. Perry

00:38:54 Sen. Shockley

00:39:23 Sen. Larsen

00:39:45 Sen. Esp

00:40:16 **Vote:** Motion that **SB 191 BE AMENDED** failed 5-7 by roll call vote with Sen. Curtiss, Sen. Laslovich, Sen. McGee, Sen. Perry, and Sen. Shockley voting aye.

00:41:18 **Vote:** Motion that **SB 191 DO PASS AS AMENDED** carried 7-5 by roll call vote with Sen. Curtiss, Sen. Esp, Sen. Hinkle, Sen. Laslovich, and Sen. Shockley voting no.

00:42:51 Sen. Juneau

00:43:10 Sen. Jent

00:43:36 Sen. Juneau

00:43:54 Sen. Shockley

00:44:22 Sen. Juneau

00:45:22 Sen. Perry

EXECUTIVE ACTION ON SB 205

00:45:55 **Motion:** Sen. Jent moved that **SB 205 DO PASS.**

00:46:06 **Motion:** Sen. Jent moved that **SB 205 BE AMENDED.**
EXHIBIT(jus16a05)

Discussion:

00:46:19 Sen. Shockley

00:48:06 Sen. Esp

00:48:50 Sen. Jent

00:50:28 Sen. Hinkle

00:50:42 Sen. Jent

00:50:54 **Vote:** Motion that **SB 205 BE AMENDED** carried unanimously by voice vote.

00:51:03 **Motion:** Sen. Jent moved that **SB 205 DO PASS AS AMENDED.**

Discussion:

00:51:26 Sen. Shockley

00:51:50 Sen. Jent

00:52:46 Sen. Hinkle

00:53:40 Sen. Shockley

00:54:05 Sen. Perry

00:55:07 **Vote:** Motion that **SB 205 DO PASS AS AMENDED** failed 1-11 by voice vote with Sen. Jent voting aye.

00:55:39 **Motion:** Sen. McGee moved that **SB 205 BE TABLED AND THE VOTE REVERSED**. Motion carried by voice vote.

00:56:28 break

HEARING ON SB 221

Opening Statement by Sponsor:

01:11:14 Sen. Mitch Tropila (D), SD 12, opened the hearing on SB 221, Revise laws related to animal cruelty re: animal hoarding.

EXHIBIT(jus16a06)

Proponents' Testimony:

01:17:54 Sen. Rick Laible, SD 44, Darby

01:21:12 Ingrid Rosenquist, Deputy County Prosecutor, Yellowstone County, also here for Bill Kennedy, Yellowstone County Attorney.

EXHIBIT(jus16a07)

EXHIBIT(jus16a08)

01:28:57 David Castle, Sheriff, Cascade County; Court Appointed Special Advocate, (CASA), board member, Great Falls

01:30:28 Merle Raph, President, Montana County Attorney Association, Toole County

01:32:23 Joan Andersen, self

EXHIBIT(jus16a09)

01:36:17 Dave Pauli, Regional Director, Humane Society of the United States (HSUS); Chair, Montana Animal Care Association (MACA)

EXHIBIT(jus16a10)

01:40:31 Jane Heath, Executive Director, Montana for Sanctuary, equine therapist

EXHIBIT(jus16a11)

01:42:39 Linda Metzger, self, Registered Nurse

EXHIBIT(jus16a12)

01:50:42 Sen. Joe Tropila, SD 13, Great Falls

01:51:39 Gina Weist, Executive Director, Lewis and Clark Humane Society, Helena

EXHIBIT(jus16a13)

01:57:05 Casey Raybould, self

02:01:31 Lisa Thomas, self, volunteer, Butte Animal Shelter

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

02:02:23 Sen. McGee
02:02:57 Ms. Rosenquist
02:09:20 Sen. McGee
02:09:32 Sen. Tropila
02:11:01 Sen. Esp
02:11:25 Ms. Rosenquist
02:14:51 Sen. Shockley
02:15:47 Ms. Rosenquist
02:20:10 Sen. Larsen
02:20:32 Sen. Tropila
02:22:12 Ms. Rosenquist
02:23:52 Sen. Curtiss
02:24:12 Ms. Rosenquist

[EXHIBIT\(jus16a14\)](#)

[EXHIBIT\(jus16a15\)](#)

02:27:13 Sen. Jent
02:27:34 Ms. Rosenquist
02:28:34 Sen. Perry
02:29:42 Ms. Rosenquist
02:38:15 Sen. Shockley
02:38:52 Ms. Rosenquist

Closing by Sponsor:

02:39:30 Sen. Tropila

02:41:09 break

Exhibits distributed to the committee:

[EXHIBIT\(jus16a16\)](#) In reference to SB 189, heard 1/20/09.

[EXHIBIT\(jus16a17\)](#) In reference to SB 212, heard 1/22/09.

EXECUTIVE ACTION ON SB 209

02:56:47 **Motion:** Sen. Laslovich moved that **SB 209 DO PASS.**

02:58:24 **Motion:** Sen. Laslovich moved that **SB 209 BE AMENDED with a CONCEPTUAL AMENDMENT FOR PAGE 4, LINE 30, TO STRIKE 15 AND INSERT 10.**

Discussion:

02:58:58 Sen. Jent

02:59:14 **Vote:** Motion that **SB 209 BE AMENDED** carried unanimously by voice vote.

02:59:21 **Motion:** Sen. Laslovich moved that **SB 209 DO PASS AS AMENDED.**

Discussion:

02:59:30 Sen. Curtiss

03:00:10 Sen. Laslovich

03:01:03 **Vote:** Motion that **SB 209 DO PASS AS AMENDED** carried 11-1 by voice vote with Sen. Curtiss voting no.

Discussion:

03:02:07 Sen. Jent

03:02:42 Sen. Shockley

03:03:01 Sen. Perry

EXECUTIVE ACTION ON SB 221

03:03:39 Sen. McGee

03:05:06 Sen. Shockley

03:06:06 Sen. Hinkle

(No motion/action taken on SB 221.)

Committee Bill Discussion:

03:07:27 Sen. Shockley

03:08:10 Sen. Shockley

03:08:34 Ms. Lane

03:09:45 Sen. McGee

ADJOURNMENT

Adjournment: 11:21 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus16aad.pdf](#))